

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (original): A fuel cell separator having a surface layer on one side or both sides thereof, the surface layer comprising at least two layers, wherein the surface layer comprises a low-elastic modulus layer (A) having a bending elastic modulus of  $1.0 \times 10^1$ - $6.0 \times 10^3$  MPa, and a bending strain of 1 % or more; and a high-elastic modulus layer (B) having a bending elastic modulus exceeding  $6.0 \times 10^3$  MPa, as at least one layer constituting the surface layer, other than the low-elastic modulus layer (A).
2. (original): A fuel cell separator according to claim 1, wherein the layer (A) has a thickness of 0.5 mm or less, and the layer (B) has a thickness of 0.05-2 mm.
3. (currently amended): A fuel cell separator according to claim 1-~~or 2~~ having a layer structure of layer (A)/layer (B)/layer (A) and a total thickness of 0.2-3 mm, wherein the thickness ratio (A/B) therebetween is 0.001-1.
4. (currently amended): A fuel cell separator according to ~~any of claims 1-3~~claim 1, wherein the layer (A) and/or layer (B) comprises an electroconductive resin composite material comprising 40-2 mass% of (a) resin binder, and 60-98 mass% of an electroconductive substance (b).
5. (currently amended): A fuel cell separator according to claim 4, wherein the layer (A) comprises a component (a) including a thermoplastic or thermosetting resin composition of at least two ~~component~~components which comprises 20-99 mass% of an elastomer; and the layer (B) comprises a component (a) including a thermoplastic or thermosetting resin composition which comprises at least one kind of a crystalline polymer

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having a melting point of 100°C or more, and/or an amorphous polymer having a glass transition point of 100°C or more.

6. (original): A fuel cell separator according to claim 4, wherein the component (a) constituting the layer (A) and the component (a) constituting the layer (B) comprises at least one species of a polymer of the same kinds, or components c providing a compatible polymer pair.

7. (currently amended): A fuel cell separator according to claim 4 ~~or 5~~, wherein the component (a) is a composition comprising at least one kind selected from: phenolic resins, epoxy resins, vinyl ester resins, allyl ester resins, and 1,2- poly butadiene.

8. (currently amended): A fuel cell separator according to claim 4 ~~or 5~~, wherein the component (a) is a composition comprising at least one kind selected from: polyolefins, polyphenyl sulfides, fluorine-containing resins, polyamides, and polyacetals.

9. (original): A fuel cell separator according to claim 4, wherein the component (a) comprises a composition of a polyolefin, and at least one kind selected from: hydrogenated styrene-butadiene rubbers, styrene-ethylene-butylene-styrene block copolymers, styrene-ethylene-propylene-styrene block copolymers, crystalline olefin-ethylene-butylene-crystalline olefin block copolymers, styrene-ethylene-butylene-crystalline olefin block copolymers, styrene-isoprene-styrene block copolymers, and styrene-butadiene-styrene block copolymer.

10. (original): A fuel cell separator according to claim 4, wherein the component (a) comprises polyvinylidene fluoride and soft acrylic resin.

11. (currently amended): A fuel cell separator according to ~~any of claims 4-10~~ claim 4, wherein the component (b) is at least one kind of substance selected from: metals, carbonaceous materials, electroconductive polymers, and metal-coated fillers.

12. (currently amended): A fuel cell separator according to ~~any of claims 4-10~~claim 4, wherein the component (b) is a carbonaceous material comprising boron in an amount of 0.05-5 mass%.

13. (currently amended): A fuel cell separator according to ~~any of claims 4-12~~claim 4, wherein the component (b) comprises 0.1-50 mass% of vapor-phase grown carbon fiber and/or carbon nanotube.

14. (original): A fuel cell separator according to claim 13, wherein the vapor-phase grown carbon fiber or carbon nanotube contains boron in an amount of 0.05-5 mass%.

15. (original): A process for producing a fuel cell separator having a surface layer on one side or both sides thereof, the surface layer comprising at least two layers, wherein the surface layer comprises a low-elastic modulus layer (A) having a bending elastic modulus of  $1.0 \times 10^1$ - $6.0 \times 10^3$  MPa, and a bending strain of 1 % or more; and a high-elastic modulus layer (B) having a bending elastic modulus exceeding  $6.0 \times 10^3$  MPa, as at least one layer constituting the surface layer, other than the low-elastic modulus layer (A);

the process comprising: molding a low-elastic modulus layer (A) and a high-elastic modulus layer (B) by at least one method selected from rolling, compression molding and stamping, to thereby provide a laminate having a groove on both sides thereof.

16. (original): A process for producing a fuel cell separator having a surface layer on one side or both sides thereof, the surface layer comprising at least two layers, wherein the surface layer comprises a low-elastic modulus layer (A) having a bending elastic modulus of  $1.0 \times 10^1$ - $6.0 \times 10^3$  MPa, and a bending strain of 1 % or more; and a high-elastic modulus layer (B) having a bending elastic modulus exceeding  $6.0 \times 10^3$  MPa, as at least one layer constituting the surface layer, other than the low-elastic modulus layer (A);

the process comprising: molding a low-elastic modulus layer (A) and a high-elastic modulus layer (B) by at least one method selected from multi-layer extruding, multi-

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layer injection molding, compression molding or rolling, to thereby provide a laminate in the form of a sheet; and

forming a groove on both sides of the laminate by compression molding or stamping.

17. (currently amended): A process for producing a fuel cell separator according to claim 15-~~or 16~~, wherein the layer (A) has a thickness of 0.5 mm or less, and the layer (B) has a thickness of 0.05-2 mm.

18. (currently amended): A process for producing a fuel cell separator according to claim 15-~~or 16~~, wherein the fuel cell separator has a layer structure of layer (A)/layer (B)/layer (A) and a total thickness of 0.2-3 mm, and the thickness ratio (A/B) therebetween is 0.001-1.